

November 28, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: **VoIP E911 Compliance Report (November 28, 2005)**
Cypress Communications, Inc.; WC Docket No. 05-196

Dear Ms. Dortch:

Cypress Communications, Inc. ("Cypress"), through its undersigned counsel and pursuant to Commission Rule 9.5(f), as adopted by the Commission in its *Order*¹ concerning the enhanced 911 ("E911") service requirements and conditions for interconnected Voice over Internet Protocol ("VoIP") service providers, submits this Compliance Report ("Report").²

Cypress is the leading provider of premium, in-building communications services to businesses located in commercial office buildings. Cypress currently operates in 25 major metropolitan U.S. markets. As the nation's largest provider of in-building, managed communication solutions, Cypress supplies advanced phones, unlimited local and long distance calling, business-class Internet connectivity, firewalls, security and VPN solutions, audio/web conferencing and business television solutions. Earlier this year, Cypress began to provide an Internet Protocol-based platform to its enterprise customers that is referred to as EZ Office IP Communications. EZ Office IP Communications is a fully-managed, IP-based voice, data, and Internet solution that provides customers a range of advanced features.

¹ *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking 20 FCC Rcd. 10245 (2005) ("*Order*").

² Cypress filed status reports concerning the Company's efforts to notify its customers of the characteristics of Cypress's VoIP 911 service and to obtain affirmative acknowledgments from those subscribers on August 10, September 1, and September 22, 2005.

November 28, 2005

Page 2

As required by the Commission's Rules and its November 7, 2005 Public Notice (the "Public Notice"),³ this Report details Cypress's efforts to provide E911 service to customers in compliance with Rules 9.5(b) and (c) and to satisfy the registered location requirements of Rule 9.5(d). In preparing this report, Cypress has relied on the information supplied to it by NGT. Pursuant to the information requested by the Enforcement Bureau in the Public Notice, Cypress provides the following:

Status of Affirmative Acknowledgments

In compliance with the Commission's Public Notice released September 27, 2005, Cypress advises that it has received affirmative acknowledgements from 100% of its VoIP customers regarding the nature of the E911 service provided by Cypress.⁴

Responses to the Public Notice

- 1) A quantification, on a percentage basis, of the number of subscribers to whom the Company is able to provide 911 service in compliance with the rules established in the *VoIP 911 Order*.**

As of November 28, 2005 Cypress will be able to provide 911 service that is in compliance with the Commission's E911 rules to 93% of its VoIP subscribers. Cypress expects to be able to provide full E911 service to Cypress's customers in Oakland, San Diego, Denver, Tampa, and Portland by December 2005. By the end of the first quarter of 2006, full E911 service should be available to Cypress's customers in Indianapolis and to those few Los Angeles customers who will not have full E911 by November 28.

For Cypress customers located in areas in which Cypress does not currently offer an E911 solution that complies with the Commission's rules, Cypress's E911 vendor, New Global Telecom ("NGT") will provide, as an interim solution, an operator-assisted 911 service known as SafeCall® Operator Assisted 911 Service. Pursuant to this interim solution, 911 calls placed by subscribers with Registered Locations outside the areas where NGT has deployed full E911 service will be routed to an emergency call response center ("ECRC"). The ECRC will have operators available 24 hours a day, 7 days a week and will have access to the Registered Locations and callback numbers for all Cypress customers. The ECRC will provide a "soft transfer" of the 911 call to the appropriate 911 dispatcher or to a local exchange telephone line of

³ *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 and 05-196, Public Notice, DA 05-2945 (rel. Nov. 7, 2005).

⁴ *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36 and 05-196, Public Notice, DA 05-2530 (rel. Sept. 27, 2005).

November 28, 2005

Page 3

the geographically appropriate PSAP. The ECRC then will communicate the Registered Location and call back number prior to transferring the actual call.

- 2) **A detailed statement as to whether the Company is transmitting, as specified in Paragraph 42 of the *VoIP 911 Order*, “all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized.”**

Based on information received from NGT, Cypress believes that 93% of the VoIP-originated 911 calls within Cypress's service areas are transmitted to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized.

- 3) **If the Company is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, a detailed explanation of why not.**

As discussed above, 7% of Cypress's customers are located in markets that are not currently served by NGT's SafeCall Service despite the fact that Selective Routers exist in those markets. In those areas, 911 calls are not being directly transmitted to the correct answering point. Rather, customers in those markets will have access to NGT's SafeCall® Operator Assisted 911 Service as an interim solution. NGT has not been able to obtain access to the Selective Routers in those markets because of the time-consuming process of connecting to the appropriate network and adding additional network providers. NGT has recently advised that it now has access to Selective Routers in Denver and will be providing a full E911 solution in Denver shortly. As noted in response to Question 1, NGT has advised that it will be able to provide full E911 service to Cypress's remaining customers by the end of December for most of Cypress's customer and for all Cypress's customers by the first quarter of 2006.

- 4) **The number of Selective Routers to which the Company has interconnected, directly or indirectly, as of November 28, 2005.**

Because Cypress obtains its E911 solution from NGT, it does not interconnect directly with any selective routers,. As of November 28, 2005, NGT reported to Cypress that NGT is interconnected to 150 Selective Routers, either directly or indirectly.

- 5) **A detailed statement as to whether the Company is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information.**

November 28, 2005

Page 4

Cypress is able to provide VoIP E911 service in compliance with the Commission's E911 Rules to 93% of the Cypress's VoIP subscribers. For the 7% of Cypress customers that do not receive full E911 services, Cypress is not transmitting ANI and Registered Location to all PSAPs that are capable of receiving and utilizing this information. See response to Question 3 for information regarding NGT's implementation of a full E911 solution for Cypress.

- 6) The percentage of how many answering points within the Company's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits.**

Cypress lacks the information needed to respond to this question. Cypress's vendor, NGT, depends on Intrado and other Emergency Service Gateway Providers (ESGP) for connectivity to Selective Routers. Cypress therefore does not have direct information regarding the percentage of PSAPs in Cypress's service areas that are capable of receiving and processing ANI and Registered Location information.

- 7) The percentage of subscribers whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information**

ANI and Registered Location are being transmitted to answering points capable of receiving and processing this information for approximately 93% of Cypress's customers.

- 8) If the Company is not transmitting the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.**

See response to Question 3.

- 9) To the extent the Company has not achieved full 911 compliance with the requirements of the *VoIP 911 Order* in all areas of the country by November 28, 2005, the Company should describe in detail, either in narrative form or by map, the areas of the country, on an MSA basis, where it is in full compliance and those in which it is not.**

Based on data provided by NGT, as of November 28, 2005, Cypress expects that it will provide SafeCall® E911 Service that is in compliance with the Commission's rules in the following markets: New York, Los Angeles-Long Beach (for most customers), Orange County, San Francisco, Harford, Washington, DC, Chicago, Boston, Philadelphia, Houston, Dallas, Miami, Atlanta, Minneapolis-St. Paul, and Seattle-Bellevue.⁵ By December 2005, NGT will

⁵ A number of Cypress's customers in the Los Angeles market are currently served by Covad Communications ("Covad") and are served by Covad's E911 service. Cypress understands that Covad's E911 solution complies with the requirements of the *VOIP E911 Order*. Cypress is

November 28, 2005

Page 5

provide full E911 coverage in Denver, Oakland, Portland, San Diego, and Tampa. By March 2006, NGT will provide coverage in Indianapolis and to Cypress's remaining Los Angeles customers.

10) If not in full compliance, the Company's plans for coming into full compliance with the requirements of the Order, including its anticipated timeframe for such compliance.

Cypress's plan for compliance relies on the efforts of its vendor NGT. Based on the representations of NGT, Cypress believes that it will come into full compliance with the Order according to the following timetable:

- (1) by December 2005, Cypress will have full E911 coverage for its customers in the Denver, Oakland, Portland, San Diego, and Tampa; and
 - (2) by the end of the first quarter of 2006, Cypress will have full E911 coverage in Indianapolis and for Cypress's remaining Los Angeles customers.
- 11) A detailed description of all actions the Company has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location (including, but not limited to, relevant dates and methods of contact with subscribers and a quantification, on a percentage basis, of the number of subscribers from whom the Company has obtained the Registered Location).**

Since August 2005, Cypress has completed the following work towards obtaining registered location information from its VoIP customers: (1) Cypress has collected status and end-user addresses for every telephone number on its TelPack platform or in inventory and has submitted addresses to NGT for validation; (2) Cypress has submitted its customer addresses have been submitted to NGT for validation; (3) Cypress has worked with its customers and NGT to resolve any address data errors; (4) Cypress has worked with its customers and NGT to resolve any outstanding data errors; and (5) Cypress began sending confirmation to all customers regarding their service status as of November 28th. As a result of its efforts, Cypress has received Registered Location information from 100% of its VoIP customers.

12) A detailed description of the method(s) the Company has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the Company is offering its subscribers at least one option for updating

migrating those customers to NGT's platform. As a result of the migration, four customers will temporarily be without full E911 service. Those customers will have access to NGT's operator-assisted 911 service described below until full E911 service can be provided.

November 28, 2005

Page 6

their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.

Not applicable. Cypress's VoIP service is fixed.

- 13) A detailed description of any technical solutions the Company is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.**

Not applicable. Cypress's VoIP service is fixed.

- 14) A description of any automatic detection mechanism that enables the Company to identify when a customer may have moved his or her interconnected VoIP service to a new location and ensure that the customer continues to receive 911 service even when using the interconnected VoIP service nomadically.**

Not applicable. Cypress's VoIP service is fixed.

Respectfully submitted,

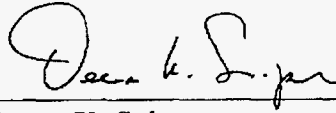


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cc: Byron McCoy (FCC)
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I, Deena K. Snipes, state that I am Executive Director of Legal/Business Affairs, of Cypress Communications, Inc.; that I am authorized to submit the forgoing VoIP E911 Compliance Report on behalf of Cypress Communications, Inc.; that the Report was prepared under my direction and supervision; and I declare under penalty of perjury that the Report is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, appearing to read "Deena K. Snipes", is written over a horizontal line.

Name: Deena K. Snipes

Title: Executive Director of Legal/Business Affairs
Cypress Communications, Inc.